

**Alcohol Advertising Review Board**

**Determination Report**

**Reference number:** 316/14  
**Product:** Captain Morgan Original Spiced Gold Rum  
**Advertiser:** Diageo Australia

The complaint is **upheld**.

**13 August 2014**

This determination by the Alcohol Advertising Review Board Panel (“the Panel”) concerns bus stop advertisements for Captain Morgan Original Spiced Gold Rum by Diageo Australia which was the subject of a complaint received on 4 August 2014.

**The Advertisement**

The advertisement was seen on bus stops on Canning Highway in Applecross, WA; on the corner of West Coast Highway and Alfred Road in Swanbourne, WA; and on Thomas Street, near Hamersley Road, in Subiaco, WA.

The background of the advertisement was red and featured an image of a pirate in the top left corner wearing a red outfit and a red pirate hat. Gold text in the middle stated “Captain Morgan CAPTAIN YOUR COLA”. Across the bottom of the advertisement were images of a can of Captain Morgan Original Spiced Gold Rum & Cola; a glass filled with liquid, ice, and a slice of lime with two pirate swords sticking out of it; and a bottle of Captain Morgan Original Spiced Gold Rum.

**The Complaint**

The complainant believes the advertisement contravenes the Code. The complainant stated:

“This ad for Captain Morgan spiced rum is on many bus stops around Perth right now. I’ve attached photos of two examples – one seen on Canning Highway in Applecross and another on the corner of West Coast Highway and Alfred Rd in Swanbourne. There is another one on Thomas St, Subiaco, near Hamersley Road. Huge exposure to young people and others. The main text of the ad says “Captain Morgan. Captain your cola” which would seem to be suggesting you should add the rum to your soft drink.”

**The Code**

The advertisement was reviewed against the Code, and in particular:

Section (4)(a)(i)(1) and (4)(a)(i)(4) of the Content Code:

4. Alcohol-specific provisions:

- a. Young people
  - i. Alcohol Advertisements shall not:
    - 1. be directed at, or have a strong or evident appeal to, Young People;  
....
    - 4. include a person or character whose example is likely to be followed by Young People or who has strong appeal to Young People.

Section (7) of the Placement Code:

#### 7. Transport advertising

No Alcohol Advertisements shall be placed on any means of public transport.

No Alcohol Advertisements shall be placed at any train, tram, bus or ferry stops.

#### **The Advertiser's Comments**

The Advertiser was contacted for comment on 4 August 2014. A response was received the same day and passed on to the Review Panel for consideration. The Advertiser declined to participate in the AARB process, noting that it is a signatory to and participates in the Alcohol Beverage Advertising Code (ABAC) Scheme.

#### **Panel's determination**

The complaint was referred to three Panel members for review. The Panel determined:

1. The advertisement contravened section (4)(a)(i)(1) of the Content Code, on the basis that the majority of the Panel believed the advertisement would have strong or evident appeal to young people. One Panel member believed that there was nothing to indicate that the advertisements were purposefully targeting young people. However, another Panel member believed that the use of a pirate would have definite appeal to young people, and commented that you only had to look down the toy-aisle in any store or at movies, games and books pitched at children to know pirates are very popular. Another Panel member commented that when they searched "pirates and boys" on the internet, results included pages of information on boy's bedroom decorations, and buying pirate costumes and t-shirts.
2. The advertisement contravened section (4)(a)(i)(4) of the Content Code, on the basis that the majority of the Panel believed that pirates are likely to have strong appeal to young people. A Panel member provided images that demonstrated the appeal of pirates to young people, including pirate-themed children's bedrooms; pirate Lego; Tinkerbell, Peter Pan and Pirates of the Caribbean films; and children's books.
3. The advertisement contravened section (7) of the Placement Code, on the basis that the advertisement was placed on bus stops where children and young people are likely to be exposed.

The complaint is **upheld**.

**Further action**

The Alcohol Advertising Review Board requests the advertisement be withdrawn or modified to reflect the Panel's concerns, and requests the Advertiser cease using public transport-related locations to advertise their alcohol products due to the likely exposure of young people.